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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,832	10/16/2003	Lance Liljeqvist	03923- P0001B	9480
24126	7590	01/12/2005	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			KHAIRA, NAVNEET K	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/686,832	LILJEQVIST, LANCE	
	<b>Examiner</b>	<b>Art Unit</b>	
	Navneet Sonia Khaira	3754	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,3 is rejected under 35 U.S.C. 102(b) as being anticipated by Wemyss et al et al (US 2001/0030207 A1).

Referring to claim 1, Wemyss et al discloses a guide device (40, Fig. 2) with a protrusion (46) radially spaced apart from the nozzle (26), the protrusion (46) extending generally parallel and extending beyond the nozzle (26). Figure 1 also shows that it would have been obvious for (d1) and (L1) to be proportionally related. The guide device (Fig 1) has a flange (42) and collar (44) used for attaching (Page 3, 0038) the guide (40) device to the nozzle (26).

Referring to claim 4, Wemyss further discloses the guide device (Fig 2) constructed of a thermoplastic material which is proven to remain rigid unless heated.

Referring to claims 5, 6, and 7, Wemyss further discloses the protrusion further comprises a base section (42) at a first end and an end section at a second end (Fig. 4,

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46), the base (42) portion being constructed with a rigid thermoplastic and the end portion being semi-rigid (Page 2, 0022). Further, Wemyss discusses that the guides can be manufactured with different widths in which the protrusion can be tapered from the base section toward the end section (Page 2, 0022). Figure 2 shows the end section of the guides is rounded.

Referring to claims 8 and 9, Wemyss further discloses in figure 2 showing a first protrusion (46) and a second protrusion (46) attached to the base portion (42) and extending parallel and length of the first protrusion equaling the length of the second protrusion.

Referring to claim 11, 12, 13, and 16 Wemyss further discloses the guide device having a base (42) portion having an opening (Fig 1), an attachment member (42, 44) connected to the base (42) portion for connecting the base portion to a tube (Page 3, 0038), a protrusion (46) extending from the base (42) portion, and the protrusion (46) extending beyond a distal end of the nozzle (26, Fig 1). It was also mentioned that device was constructed with a rigid thermoplastic which remains rigid unless heated. Wemyss further discloses in figure 2 showing a first protrusion (46) and a second protrusion (46) attached to the base portion (42) extending parallel to each other.

Referring to claim 15, Wemyss further discloses a guide device including a base (42) portion having an opening (Fig 1), a protrusion (46) extending from said base

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portion (42) where the protrusion extends beyond the distal end of the attachment member (42,46), a plurality of spines (47, ribs) extending from the base which are located around the opening (Fig 1 and Fig 3).

Referring to claim 17, Wemyss further discloses a method to assist in the application of a substance using a guide device, providing a protrusion (46) having a length (L1) that extends beyond an end portion of the nozzle (26, Fig 1, the protrusion (46) a distance (d1) radially outward from the nozzle (26, Fig 1) and positioning the protrusion (46) such that it is generally parallel with the nozzle (26); engaging the protrusion (46) with a straight edge that extends generally parallel with the surface (Fig 1) and applying a bead of substance to the surface while simultaneously drawing the protrusion (46) along the straight edge such that the bead is applied in a straight manner (Fig 1).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wemyss et al et al (US 2001/0030207 A1) in view O'Sullivan (US 5,249,716).

Referring to claim 14, Wemyss shows a guide device substantially according to claim 14, but does not show the threaded attachment member according to the claim. O'Sullivan teaches to provide a threaded attachment member in order to grip the caulking gun container tip when twisted.

It would have been obvious to one having ordinary skill in the art to have included the threaded attachment member of O'Sullivan in the attachment member of the guide device of Wemyss in order to grip the caulking gun container tip when twisted as taught by O'Sullivan.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wemyss et al et al (US 2001/0030207 A1) in view McNeal (US 2,331,487).

Referring to claim 10, Wemyss shows a guide device where the nozzle has a slot at the distal end substantially according to claim 10, but does not show a cap to interact with the slot in the nozzle and a cap holder to engage the cap when the nozzle is being used according to the claim. McNeal teaches to provide a cap to interact with the slot in the nozzle and a cap holder to engage the cap when the nozzle is being used in order to seal the nozzle and store the cap.

It would have been obvious to one having ordinary skill in the art to have included a cap to interact with the slot in the nozzle and a cap holder to engage the cap of McNeal in the guide device with a nozzle of Wemyss in order to seal the nozzle and store the cap as taught by McNeal

***Citation of Related Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Paradiso (US 4,932,565), Woolley (US 5,471,704), and Tordsen (US 5,775,551) references also disclosed guide devices used to apply contents to a surface using a caulking gun.

***Conclusion***

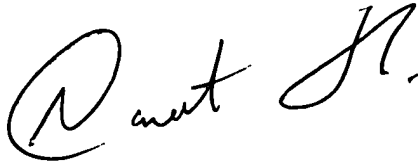
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet Sonia Khaira whose telephone number is 571-272-7142. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mar Y. Michael can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7142.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

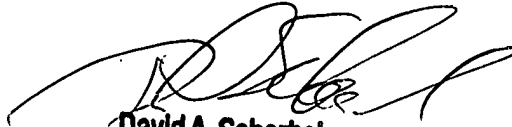
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Art Unit 3754

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